

INFORMATION LETTER

Not for
Publication

NATIONAL CANNERS ASSOCIATION

For Members
Only

No. 679

Washington, D. C.

December 11, 1937

CONGRESS SUMMARY

Single Administrator for Wage and Hour Bill Approved by House Committee

The House Labor Committee on Thursday, adopted by a 9 to 6 vote, changes placing the administration of the Black-Connery wage and hour bill (S. 2475) in the hands of a single administrator. Mrs. Norton, the Committee Chairman, earlier in the week had been authorized by the Committee to draw up an amendment for that purpose.

While wage and hour legislation was being discussed on the House side of the Capitol in anticipation of the bill coming before the House on Monday, the debate on the general farm bills continued for another week to be the order of business in both House and Senate chambers. The House passed its farm bill Friday afternoon, accepting the Boileau amendment noted in last week's LETTER. The Senate is not expected to end debate on the Pope-McGill farm proposal until sometime next week.

The House Labor Committee's proposed new administrative setup for the labor bill would establish a new division within the Department of Labor under the head of a single administrator. (The bill as passed by the Senate and as reported by the House Committee would create a five-man board for administration of the proposed law). Although the administrator would be housed in the Labor Department his activities would be entirely independent of the Secretary of Labor.

Suggestive of N. I. R. A. is the amendment's provision for the administrator to appoint wage and hour committees in industries having substandard labor conditions. These committees would be composed of an equal number of employer and employee representatives and three representatives of the consumer. Each committee would make investigations and studies of the wage and hour conditions in the industry it represents and would present to the administrator recommendations within the 40 cents an hour top wage and 40 hours a week base, the limits set by the bill. After receipt of a committee's recommendations the administrator would call a public hearing and if testimony adduced at the hearing did not support the recommendations the administrator would resubmit the recommendations along with the findings established at the public hearings. In the event the committee and the administrator could not agree the administrator would be empowered to appoint a new committee. In any event the administrator would be bound to establish rates of pay and hours of employment in line with the committee recommendations.

This latest Labor Committee amendment does not affect any of the exemptions adopted by the Senate, nor does it change any of the modifications previously agreed to by the Committee and contained in the bill as reported by the Committee.

The latest labor bill to be introduced is the American Federation of Labor proposal which bears the name of Representative

Dockweiler of California. It is now being urged as a substitute for the Black-Connery bill, although the American Federation of Labor had formerly stated that it would support the Black-Connery bill if the five-man board provisions were removed. The American Federation of Labor bill does not contain an exemption for seasonal processors and establishes a maximum work week of 40 hours and a minimum wage of 40 cents per hour. The Federal district courts are given jurisdiction for enforcement purposes.

PENNSYLVANIA MISBRANDING LAW

What You Have To Do Under Requirements of State's New Statute

On August 21, 1937, there was published in INFORMATION LETTER No. 663 (p. 5339) the text of certain portions of Act No. 291 passed by the Pennsylvania Legislature on June 1, 1937, as an amendment to the Pennsylvania General Food Law. The quoted provisions related to the misbranding sections of the law, and in brief provided that food products sold in Pennsylvania shall be deemed to be misbranded unless the label or container bears certain specified information and code markings concerning the name and address of the packer or distributor. These amendments became effective September 1, 1937. The Association has since received many inquiries concerning the application of these labeling and marking requirements, and members of its staff have conferred on several occasions with the Pennsylvania administrative officials in an effort to work out a solution of the many problems which have arisen. As a result of these conferences more information as to the requirements of this statute is now available and may be here summarized. For the purpose of clarity the statute may be discussed under two headings, first, its effect on canned foods sold under the manufacturer's own brand, and, second, its effect on private label distribution.

1. *Where the product is sold under the manufacturer's brand:* The statute requires the label on every can of canned foods sold in the State of Pennsylvania under the manufacturer's brand to bear the name and address of the manufacturer or packer, preceded by the words "manufactured by" or "packed by", or followed by the words "manufacturer" or "packer". Thus the can must be labeled in this fashion "Packed (or manufactured) by XYZ Canning Co., New York City, N. Y." or "XYZ Canning Co., Packer (or manufacturer), New York City, N. Y." No variation from these required forms is permitted. The Pennsylvania authorities have stated that if the canned food in question is packed in a plant or plants located elsewhere than at the address of the canner's main office, the canner may give merely the address of this office rather than the address of the plant at which the product was packed. No particular code markings of any kind are required where the name and address of the packer or manufacturer, accompanied by the required designations, appears on the label.

2. *Where the product is sold under the distributor's private*

label: The statute provides that every can of canned food sold in the State of Pennsylvania, *which does not bear the name and address of the packer with the prescribed designation* (this covers all private label distribution), is misbranded unless the label bears the name and address of the wholesale dealer or distributor, preceded by the words "distributed by" or "packed for", or followed by the words "wholesale dealer" or "distributor". This designation may be set forth as "Packed for (or distributed by) ABC and Company, New York City, N. Y.", or as "ABC and Company, Distributor (or wholesale dealer), New York City, N. Y." Here again no variations from the precise designations specified will be permitted.

In addition, a *code mark* identifying to the wholesale dealer or distributor, whose name appears on the label, the name and address of the packer, must be placed on every can of food sold in Pennsylvania which does not bear the name and address of the actual packer as above set forth. These codes do not have to indicate to the dealer the location of the plant in which the particular can was packed, but merely the name of the packer and the address of his central office. No particular form of code mark is required, but Pennsylvania officials have recommended that combinations of letters and numbers rather than symbols be employed. Nor does the Statute prescribe any particular manner of coding. The mark may be embossed on the end of the can, placed on the end of the can by means of a rubber stamp, or placed on the label by means of perforation or otherwise. The sole requirement is that the code mark be sufficient to indicate to the wholesaler or distributor the name and address of the packer.

The wholesale dealer or distributor, whose name appears on the label of the can, is required to keep true and correct records indicating the name and address of the packer of the can. These records must also contain information concerning the code marks which appeared on the can, so that the wholesale dealer will be able to identify, at any time, the name and address of the packer of any particular can of food which he has sold in Pennsylvania. These records must be kept for a period of five years after the date of sale by the dealer. The Statute does not prescribe any particular form in which the records of the distributor must be kept, nor does it prescribe the character of the information which the canner must furnish the distributor concerning the code marks used. It is felt that the simplest procedure would be for the canner to merely enter on the invoice of all goods sold for resale in Pennsylvania under distributor's labels, the list of the full code marks or of a part of the code marks used in the particular shipment. A file of these invoices will serve as the distributor's records.

The Act makes it unlawful to sell, offer for sale, or have in possession with intent to sell, *in the State of Pennsylvania*, any canned foods which are misbranded because not labeled and marked in the manner prescribed above.

Any canners having problems arising under this statute are invited to communicate with the Association.

Japanese Exports of Canned Salmon

Japanese exports of canned salmon amounted to 925,919 cases during the first nine months of 1937, according to statistics reported by the office of the American commercial attache at Tokyo. During September, exports showed a large seasonal increase over the preceding month, with shipments

totaling 217,712 cases. England continued to be Japan's largest market during September, having absorbed 136,664 cases of red, pink, and silver salmon, or approximately 62 per cent of the total salmon shipments from Japan during the month. Recent estimates placed the Japanese catch of red salmon for the year at 970,000 cases, most of which was exported to England. Other large purchasers of Japanese canned salmon during September included Belgium, Netherlands, and France.

French Duty on Fruit Juices Reduced

By an administrative decision published in *Le Bulletin Douanier* of November 19, 1937, the French import duties on unspecified fruit juices (tariff item ex 172 bis B), put up without alcohol or sugar, sterilized by heat, and suitable for beverage purposes, were reduced by one-half of the existing rates, according to the office of the American commercial attache at Paris.

The reduced rates on the above fruit juices (including orange, grapefruit, pineapple, certain berry juices, etc.) are 92.95 francs per 100 gross kilos on those put up in bottles, flasks, jars, and similar containers, and 51.05 francs per hectoliter on those in other containers.

New Can Reported Developed in Germany

A large German canning establishment has succeeded in producing a satisfactory container for preserved foods from a transparent plastic material technically known as acetyl cellulose which is treated with oil lacquer, according to a report from the American consulate at Leipzig. A feature of the new container contrasted with tin is its transparency which enables purchasers of foodstuffs to see what they are buying, the report states. The top and bottom of the new container is made of tin, which provides it with the necessary stability so that it may be handled in the same manner as cans made entirely of tin.

Immediate Freight Rate Increase Denied

The Interstate Commerce Commission has denied an immediate increase in freight rates and passenger fares, pending final disposition of the rate case now being heard before the Commission, as petitioned by the carriers in a motion filed on December 9th. The carriers' motion asked for a prompt hearing before the full Commission and an order permitting the proposed increases to become effective on five days' notice.

The request for an immediate increase was based on the fact that a decision in the pending case probably could not be expected before March, with the increases, if granted, not effective before the first of April, and that the railroads because of their critical financial situation will find it impossible to continue the present character of service unless increased revenues can be obtained by the first of the year or soon thereafter.

Cuba to Require Manufacturer's Name and Address on Products

A Cuban law, promulgated in the Official Gazette of November 10, 1937, provides that, effective six months thereafter, all industrial products placed on sale in the Republic, whether of domestic production or imported, must bear the name and

address of the manufacturer on the outside of each unit in a visible place, according to the Bureau of Foreign and Domestic Commerce. Articles manufactured in Cuba must bear the inscription "Hecho on Cuba" (Made in Cuba), under the terms of the law.

The law charges the Director of Industry of the Cuban Department of Agriculture, within the same six months period, with determining the specifications that will govern the weight, size, unit, and packaging of industrial products of prime necessity sold to the public there.

Preferred attention is to be given to those articles of domestic manufacture considered of national importance in order to promote their development and to protect them against clandestine and illegal competition. Once established, these specifications will also be applicable to similar imported products.

Edgar Ashby Dies Suddenly

Edgar Ashby of the Ladoga Canning Company of Indianapolis, member of the Board of Directors of the National Canners Association, prominent in the canning industry of his State and with a wide circle of friends throughout the entire country, died suddenly on Monday, December 6th. Funeral services were held at his late home in Ladoga the following Wednesday.

UNDISTRIBUTED PROFITS TAX

Repeal Recommended in Report of Study Made by Brookings Institution

Repeal of the undistributed profits tax is recommended in the report of a study published this week by the Brookings Institution, based on actual effects of the tax on 1,560 corporations. Proposed modifications are examined, and suggestions are made for improvement of the levy in case it is retained, but the report concludes that its equitable and effective application to the complex and varied pattern of American industry is impossible.

The study was prepared by Dr. M. Slade Kendrick, of Cornell University, in cooperation with members of the staff of the Institution. Factual data were obtained from the results of a detailed questionnaire sent to 3,600 corporations by Senator Steiwer, of Oregon.

The study found that the tax limits the possibility of prompt and flexible capital developments and handicaps with particular severity a multitude of small and medium-sized enterprises. It bears with particular severity upon new companies and those which are endeavoring to recuperate from a period of misfortune.

One of the chief inequalities of the tax arises from the fact that, while the income of some types of business remains relatively stable year after year, that of others fluctuates widely between losses and gains. Inasmuch as it is necessary, in the latter case, to build up reserves in good times, the tax falls much more heavily than in the case of corporations of more stable earnings.

Thus, unless losses in prior years are taken into account, corporations will not be treated alike under the law, although taxed at the same rate. This discrimination against industries of variable earnings—in general the "heavy" industries—has existed since the carryover of prior losses was barred

in computing the normal corporation income tax. But it has been sharply accentuated by the undistributed profits tax, both taxes now being laid on net incomes computed without regard to previous losses.

No position is taken on the question of whether, in the true economic sense, capital gains or losses properly fall in the income classification. However, it is pointed out that the application of the undistributed profits tax increases inequalities arising out of counting such gains as income for tax purposes. Capital gains are taxed in full, while capital losses are deductible only to the extent of capital gains, plus \$2,000. Thus, the law attempts a segregation of capital gains and losses, but it applies the same rate of taxation—normal and undistributed profits—to both types of income.

Examining the argument that corporations forced to pay out most of their earnings to avoid the tax could obtain needed capital from other sources, the study found it more apparent than real. In this respect, the burden falls most heavily upon the smaller, more localized, and less securely established corporations, the costs to such enterprises sometimes being prohibitive.

Although proponents of the tax have asserted that it promotes social justice by forcing earnings accruing to large stockholders into brackets where they are taxed heavily, the report points out that small stockholders are penalized by the payment of higher taxes on earnings accruing to them which are retained by corporations as surpluses.

Taking up the question of whether the tax helps to smooth out the business cycle, the study found that the shock of the depression beginning in 1929 was cushioned by the use of surpluses accumulated in prior years. During the three acute depression years of 1930-31-32, the aggregate income disbursed was almost 22 billion dollars in excess of that produced. Had there been no surpluses, disbursements would have been limited to the amount of income produced.

Such surpluses probably accelerated recovery in its initial stages, the report says, inasmuch as many business enterprises were able to begin the process of expansion long before the condition of the financial markets was such as to encourage the flotation of new securities.

REVISION OF REGULATIONS 91

Details Given for Guidance of Canners in Making Social Security Returns

In the INFORMATION LETTER for December 4th, the Association directed attention to Treasury Decision 4778, which revises the procedure for filing tax and information returns under Title VIII of the Federal Social Security Act, and requires quarterly combined returns to be filed. Since this T.D. works rather far reaching changes in procedure, it is deemed advisable to reproduce its text in full below. It is phrased as an amendment to various articles of Regulations 91, a copy of which was sent to every canner at the time of issuance in 1936, and should be read in connection with these Regulations.

Regulations 91, approved November 9, 1936, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, as amended by Treasury Decision 4756, approved July 22, 1937, Treasury Decision 4769, approved October 15, 1937, and Treasury Decision 4771 approved October 29, 1937, are further amended as follows:

(1) Articles 401 and 402 are amended to read as follows:

"ART. 401. *Returns for periods within the calendar year 1937.*—(a) *Monthly tax returns.*—Every employer (see article 4) shall make a monthly tax return on Form SS-1 for each calendar month of the calendar year 1937.

"(b) *Periodical information returns.*—Every employer shall make an information return on Forms SS-2 and SS-2a for the period January 1, 1937, to June 30, 1937, both dates inclusive, and for the period July 1, 1937, to December 31, 1937, both dates inclusive. The employer shall attach to Form SS-2 a separate Form SS-2a for each of his employees who received taxable wages during the period covered by the return. Form SS-2 shall be filed in duplicate but only one original Form SS-2a shall be filed for each employee.

"ART. 402. *Returns for periods within the calendar year 1938 and subsequent years.*—Every employer shall make a tax and information return on Form SS-1a for the first quarter after December 31, 1937, within which taxable wages are paid to his employee or employees, and for each subsequent quarter whether or not taxable wages are paid therein. One original return shall be filed with the collector. For purposes of returns under Title VIII of the Act, the quarters shall each be three calendar months as follows: (1) from January 1 to March 31, both dates inclusive; (2) from April 1 to June 30, both dates inclusive; (3) from July 1 to September 30, both dates inclusive; and (4) from October 1 to December 31, both dates inclusive. Each employer shall make returns under this article until he ceases to be an employer and files a final return as required by the provisions of article 404."

(2) The parenthetical reference in article 403 is amended to read as follows:

"(See article 402 for the 3-month periods which constitute quarters within the meaning of provisions of these regulations relating to returns.)"

(3) Article 404 is amended to read as follows:

"ART. 404. *Final returns.*—The last return on Form SS-1a covering periods subsequent to December 31, 1937, or the last returns on Form SS-1, and on Forms SS-2 and SS-2a, covering periods within the calendar year 1937, for any person who ceases to be an employer, shall be marked 'Final return' by the employer or the person filing the return. Such final returns shall be filed with the collector on or before the thirtieth day after the date on which the final payment of wages subject to tax is made for services performed for the employer, and shall plainly show the period covered and also the date of the last payment of wages. There shall be executed as part of each final return a statement giving the address at which the records required by article 412 will be kept and the name of the person keeping the records. Persons whose status as employers is only temporarily suspended, including persons engaged in seasonal activities, shall not file final returns by reason of such temporary suspension."

(4) The first three sentences of article 406, relating to the use of numbers assigned to employers and employees under Title VIII, is amended to read as follows:

"Every employer shall enter on each return required under these regulations the identification number assigned to him under Title VIII of the Act. If no identification number has been assigned to the employer prior to the time he files such return, the employer shall enter on the return the date on which the application therefor on Form SS-4 was filed (or mailed) by him, and the name and address of the office to which the application was sent. The account number assigned under Title VIII of the Act to every employee with respect to whom information is required to be reported on Form SS-1a, Form SS-2a or Form SS-3 shall be entered on such forms by the employer."

(5) The last two sentences of article 407, relating to execution of returns, are amended to read as follows:

"If the sum of the employees' tax and the employers' tax shown to be payable by any return on Form SS-1 (covering a monthly period ending December 31, 1937, or prior period), or any return on Form SS-1a (covering a period subsequent to December 31, 1937) is \$10 or less, the return may be signed or acknowledged before two witnesses instead of under oath. If the amount of wages required to be reported in item 2 on Form SS-2 (covering a period within the calendar year 1937) is \$500 or less, the return may be signed or acknowledged before two witnesses instead of under oath."

(6) The seventh sentence of article 408, relating to use of prescribed forms, is amended to read as follows:

"In case the prescribed tax return form is not available, a statement made by the employer disclosing for the period for which a return is required the amount of wages with respect to which the taxes are imposed, together with the amount of taxes due, may be accepted as a tentative return."

Article 408 is further amended by striking out the word "monthly" in the eighth sentence.

(7) Article 409, relating to place and time for filing returns, is amended by striking out the word "monthly" in the next to the last sentence thereof.

(8) The first sentence of article 410, relating to payment of tax, is amended to read as follows:

"The employees' tax and the employers' tax required to be reported on each return on Form SS-1 or Form SS-1a are due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing such return."

(9) Article 502, relating to adjustment of employees' tax, article 503, relating to adjustment of employers' tax, article 504, relating to credit or refund of overpayments which are not adjustable, and article 604, relating to penalties for delinquent or false returns, are amended by inserting after the words "Form SS-1" wherever they appear therein the words "or Form SS-1a"; and by inserting after the word "month" wherever it appears therein the words "or quarter"; and by inserting after the word "monthly" wherever it appears therein the words "or quarterly".

(10) Article 604 is further amended by striking out the last paragraph of subdivision (a) thereof and by inserting in lieu of such paragraph the following:

"Every person filing a return after the due date shall securely attach to the return his statement setting out in detail the reasons for delinquency."

This Treasury Decision is prescribed under the authority contained in sections 807 and 808 of the Social Security Act.

Fruit and Vegetable Market Competition

Carlot Shipments as Reported by the Bureau of Agricultural Economics, Department of Agriculture

| | Week ending— | | | Season total to— | |
|--|----------------|----------------|-----------------|------------------|----------------|
| | Dec. 4 1936 | Dec. 4 1937 | Nov. 27 1937 | Dec. 4 1936 | Dec. 4 1937 |
| VEGETABLES | | | | | |
| Beans, snap and lima | 321 | 240 | 261 | 10,297 | 9,676 |
| Tomatoes | 152 | 148 | 126 | 25,516 | 24,347 |
| Green peas | 198 | 151 | 147 | 8,242 | 7,778 |
| Spinach | 342 | 206 | 196 | 988 | 647 |
| Others: | | | | | |
| Domestic, compet- ing directly | 3,674 | 2,966 | 2,388 | 70,940 | 67,636 |
| Imports, compet- ing indirectly | 46 | 77 | 56 | 702 | 974 |
| FRUITS | | | | | |
| Citrus, domestic | 424 | 4,250 | 3,323 | 25,932 | 23,103 |
| Imports | 0 | 0 | 56 | 95 | 121 |
| Others, domestic | 179 | 577 | 858 | 49,203 | 54,928 |

SALMON INSPECTION SERVICE

General Excellence of 1937 Pack Revealed by Report on Control Operations

The report of the Northwest Branch Laboratory upon its inspection service on the 1937 canned salmon pack, presented at the recent meeting of the Association of Pacific Fisheries, furnished evidence of both the high character of the year's output and the good results from the salmon control plan being operated under arrangements with the Food and Drug Administration.

The report states that the 1937 pack was the best, from the standpoint of freshness, thus far produced. The examination was as critical and the sampling as extensive as in any previous year. While the improvement was probably due in part to a cooler season than last year and to fewer instances of glut of fish, it was believed the principal factor was a more careful attention to detail on the part of those responsible for the condition of the pack.

The 1937 pack was not entirely perfect as regards freshness, the report states, and a few code-lots were recommended for reconditioning. No unsatisfactory code-lots were found in the packs of 54 companies and only one each in the packs of 13 other companies. The fact that there have been no seizures from this year's pack, although the Food and Drug Administration has made a rather thorough inspection, confirms the conclusion as to the general excellence of the pack.

The number of companies having their entire pack inspected, the number of separate parcels inspected, and number of standard cases represented by these parcels is shown in round numbers, in the following table:

| Year | Number of companies | Number of parcels | Standard cases |
|-----------|---------------------|-------------------|----------------|
| 1933..... | 46 | 2,300 | 4,000,000 |
| 1934..... | 56 | 2,700 | 5,800,000 |
| 1935..... | 70 | 3,300 | 5,200,000 |
| 1936..... | 67 | 3,800 | 5,900,000 |
| 1937..... | 79 | 3,200 | 5,500,000 |

The Better Salmon Control Plan appears to have worked out to the advantage of all concerned, the report states, and it is hoped that there will be an even greater support of the plan during the 1938 season. In this connection, since the code-lot has been made the significant division of the pack, the report recommends that even greater effort should be made to tie in with the quality and condition of the raw fish in order that each code-lot may be as uniform as possible.

The importance of color in estimating the quality of a parcel and the detrimental effect of stackburn on color was emphasized. This condition is more prevalent than is generally suspected.

Holdings of Frozen Fish

Holdings of frozen fish on November 15, 1937, totaled 77,712,000 pounds, as compared with 92,702,000 pounds on the same date last year, according to the Bureau of Fisheries, Department of Commerce. This is a decrease of 16 per cent as compared with a year ago, but an increase of 6 per cent as compared with the five-year average.

EDUCATION ON NUTRITION

Character and Source of Material Developed by Private Agencies

The character and sources of material on nutrition prepared by commercial organizations for educational purposes are discussed in a paper entitled "Education in Nutrition by Private Agencies", which was presented by Dr. James A. Tobey of the American Institute of Baking at the October meeting of the American Public Health Association, and which was published in the November issue of the American Journal of Public Health.

The following excerpts from this paper will be of interest to all canners:

"A thousand and one sources of information on various aspects of human nutrition now seem to be available to harassed health officials, physicians, nurses, social workers, school teachers, and others who desire or need practical data on this important subject. * * *

"Some of the available information on dietetics is trustworthy; some of it is on the borderline of reliability; some of it is misleading and prejudiced, but not necessarily dangerous; and some of it is not only unreliable, but perverted, dishonest, and injurious.

"In the first category, that of authenticity, is the dietary information emanating from such official or quasi-official agencies as the Federal government and most of the State governments, from the League of Nations, and from leading universities; and that coming from such unofficial and private agencies as medical and public health associations, social welfare organizations, ethical trade associations, honorable business concerns, some of the leading popular magazines, a relatively few of the existing consumer organizations, and many individual scientists of standing.

"In the other categories, ranging from mere unreliability through prejudice and extravagance to downright dishonesty and pernicious faddism, is the information or misinformation on foods disseminated by some of the more mercenary commercial interests, by many of the self-appointed consumers' organizations, and by numerous individual food fakers and charlatans, who have succeeded in influencing a certain deluded fraction of the gullible public.

"The seeker after sound and sensible facts on human nutrition must, therefore, learn to discriminate between these various sources of information. * * *

"It has been estimated that food manufacturers spend a total of several hundred million dollars a year on educational material. Most of it is far more attractive and much more persuasive than the material issued by the government departments and by voluntary health and welfare associations.

"How much of this commercial educational material can and should be used in schools and by health departments? That depends, of course, upon the ethics, ideals, and honesty of the producers and upon the nature of the material. * * *

"Among the associations that generally have acceptable material on nutrition, which in the opinion of the writer can be used to advantage by health officials and in schools, are the National Dairy Council, the Milk Industry Foundation, the Evaporated Milk Association, the Certified Milk Producers Association, and the International Association of Ice Cream Manufacturers, all representing the dairy industry; the American Institute of Baking, and the Wheat Flour Institute, representing the bakers and millers; the National Canners Association; and the Institute of American Meat Packers.

"Commercial producers of educational material on nutrition should religiously refrain from emblazoning their names and

the names of their products in blatant style upon their pamphlets and posters. They are, of course, entitled to proper credit for these contributions, but the display of the name should be modest and inoffensive, and not calculated to give the idea that the sole purpose of the material is for sales and advertising. Concerns who seem merely to have something to sell are properly regarded with suspicion by public health and school authorities, whereas those who apparently are trying to be helpful are always welcome in these fields.

"Ethical and well balanced material on nutrition from commercial sources should not, moreover, be regarded invariably with scorn or suspicion, but should be utilized for what it is worth. The time may come when the budgets of health departments and schools will permit of the development and distribution of propaganda material that approaches that of the commercial agencies in attractiveness and pedagogical values, but that time does yet seem imminent. For the present, therefore, whatever is worth while should be employed in an impartial manner, especially since the public health official and honorable business usually have the common goal, the promotion of public interest in the personal improvement of health."

High Rating Given New Pear Seedling

As a result of many pear crosses made at the New York Agricultural Experiment Station at Geneva, several promising new pear seedlings have been developed. One of these, the Gorham, is rated by the station as the best pear seedling originating at the station, although it is sometimes subject to blight. Gorham is a Bartlett seedling, ripening two to three weeks after that variety. According to a recent statement by the Experiment Station, Gorham is equal to Bartlett in quality and is well liked by canners both in New York and California. Planting stock of this new variety may be obtained from the New York Fruit Testing Association at Geneva at nominal cost.

Seed of New Tomato Variety Available

Redcap is the name selected for a new hybrid tomato developed by the New York State Agricultural Experiment Station, at Geneva, which announces that seed of this new variety are now offered for distribution for the first time. This hybrid has been selected for its earliness and smoothness of fruit. In canning tests for both juice and whole fruit, the color, flavor, and quality are said to have been rated excellent.

FREEZE DAMAGE IN SOUTH

Severe Damage to Vegetables by Low Temperatures on December 7 and 8

Freezing temperatures in Florida on the morning of December 7 were followed December 8 by heavy frosts in most sections of the State. Reports to the Bureau of Agricultural Economics indicate the damage was especially severe to such crops as snapbeans, tomatoes, green peppers, and eggplant. Strawberry bloom was damaged from 60 to 75 per cent and a small percentage of young berries was lost. Although the hardy crops of escarole, lettuce, celery, and cabbage escaped serious damage, yields of these crops will probably be reduced.

Charleston County, in South Carolina, experienced 15-degree temperatures at this time, and the damage to fall

cabbage was reported at 15 to 25 per cent. Injury to young plants in fields and seed beds was reported to be slight.

No damage was suffered by winter vegetables in Texas and the outlook is improved over that of a month ago.

Carloadings of snap beans in Florida will show a decided drop due to the recent frost damage and will continue light for several weeks until the winter acreage on the East Coast comes into bearing. The recent cold weather will also limit the movement of eggplant, green peppers, and tomatoes. Cabbage and celery shipments will be light in December. Loadings of escarole and lettuce should continue in fair volume. Potatoes should begin to move by next week from the Everglades points, where the nearly-matured crop was cut to the ground by frost. Strawberry shipments will be further delayed, and the supply of berries will be negligible for another three weeks.

Canners Admitted to Membership

The following canners have been admitted to membership in the Association since October 2, 1937:

Ames Canning Co., Ames, Iowa.
Anson Gravolet Packing Co., Pointe-a-la-Hache, La.
Arthur Canneries, Inc., Montpelier, Ind.
Blaise & Feitel Packing Co., Bay St. Louis, Miss.
Clinton Canning Co., Clinton, N. Y.
Elizabeth Canning Co., Inc., Charlestown, Mass.
Holly Hill Fruit Products, Inc., Davenport, Iowa.
McMillan Fisheries, Point Roberts, Wash.
Reagan Canning Co., McAllen, Texas.
Santa Barbara Citrus Juice Co., Inc., Orange, Calif.
South Coast Fisheries, Inc., Terminal Island, Calif.
West Coast Fish Co., Aberdeen, Wash.

CONTENTS

| | PAGE |
|---|------|
| Congress summary | 5413 |
| Pennsylvania misbranding law | 5413 |
| Japanese exports of canned salmon | 5414 |
| French duty on fruit juices reduced | 5414 |
| New can reported developed in Germany | 5414 |
| Immediate freight rate increase denied | 5414 |
| Cuba to require manufacturer's name and address on products | 5414 |
| Edgar Ashby dies suddenly | 5415 |
| Undistributed profits tax | 5415 |
| Revision of regulations 91 | 5415 |
| Fruit and vegetable market competition | 5416 |
| Salmon inspection service | 5417 |
| Holdings of frozen fish | 5417 |
| Education on nutrition | 5417 |
| High rating given new pear seedling | 5418 |
| Seed of new tomato variety available | 5418 |
| Freeze damage in south | 5418 |
| Canners admitted to membership | 5418 |